

Business, Research and Economic Development

PUBLIC 11

An Act To Amend the Requirements for a Journeyman Oil Burner Technician License

LD 225

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER STANLEY	OTP	

Public Law 2003, chapter 11 allows a person to sit for the journeyman oil burner technician license exam if the person successfully completes a minimum one-year accredited heating course at a Maine technical college consisting, at a minimum, of 320 hours of study, of which at least 150 hours are made up of laboratory work on oil burner equipment and related systems. This option supplements the provision of law that allows a person to sit for the exam if the person has at least one year of licensed practical experience as an apprentice oil burner technician or 6 months of practical experience combined with completion of an oil burner technician course.

PUBLIC 33

An Act to Clarify the Laws Relating to Public Water Systems

LD 133

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO CLARK	OTP	

Public Law 2003, chapter 33 renames the Board of Licensure of Water Treatment Plant Operators as the Board of Licensure of Water System Operators and changes the membership of the board to include a representative of a "very small water system," as that term is defined in rules of the board. The law also raises the limits on fees for examination and licensure from \$35 to \$70, and for renewal and restatement from \$30 to \$60. The law makes other changes to clarify that the board has licensing and regulatory powers over water distribution system operators as well as water treatment system operators.

PUBLIC 34

An Act To Exempt a Person Who Performs Work on Certain Vessels from the Laws Governing Professional Engineers

LD 995

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT BROWN	OTP	

Public Law 2003, chapter 34 exempts a person who performs work only on vessels under 200 feet long from the laws governing professional engineers.

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PUBLIC 64

An Act to Protect the Privacy of Maine Nurses

LD 36

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-9

Public Law 2003, chapter 64 provides that on or after July 1, 2004, applicants for licensure or for renewal of licensure by the State Board of Nursing must provide the board with a professional address and telephone number, which will be public information, and a residential address and telephone number, which will be confidential unless furnished as the applicant's or licensee's public contact address. It also prohibits the disclosure of personal health information, except as otherwise permitted or required by law.

PUBLIC 85

An Act To Amend the Home Construction Contracts Laws

LD 287

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G GILMAN	OTP-AM	H-88

Public Law 2003, chapter 85 increases the monetary amount at which a written home construction contract is required from \$1,400 to \$3,000. It also allows a change in the commencement and completion dates of a project if the contractor is unable to work at the project site due to circumstances beyond the control of the contractor.

PUBLIC 89

An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks

LD 396

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R	OTP-AM	S-23

Public Law 2003, chapter 89 allows an employee of a manufactured housing dealer or owner of a manufactured housing dealership to install oil tanks in housing sold by the dealer or dealership if the employee or owner is the named corecipient of a joint limited license issued for this limited purpose. The joint limited license requires the named employee or owner to complete 4 hours of training, and is revoked upon that employee's termination from the dealer's employ or the owner's dealership ceasing to operate as a manufactured housing dealer.

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PUBLIC 94 An Act To Require Continuing Education for Professional Engineers

LD 979

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS BROWN	OTP	H-109 SULLIVAN

Public Law 2003, chapter 94 establishes a continuing professional education requirement for engineers registered under the Maine Revised Statutes, Title 32, chapter 19.

PUBLIC 98 An Act To Educate Consumers Regarding Voluntary Repossession

LD 904

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY CLARK	OTP-AM	S-42

Public Law 2003, chapter 98 requires that a notice of a consumer's right to cure that is sent by a creditor to a consumer whose obligation is secured by a motor vehicle include a statement that if the motor vehicle is repossessed it may be sold by the creditor and that the difference between the net proceeds from that sale and the remaining balance may be owed by the consumer. This new notice provision applies only to notices sent on or after January 1, 2004.

PUBLIC 107 An Act To Change the Membership of the Plumbers' Examining Board To Include a Local Plumbing Inspector

LD 682

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM MAJ ONTP MIN	H-110 SULLIVAN H-89

Public Law 2003, chapter 107 changes the membership of the Plumbers' Examining Board by substituting a local plumbing inspector who has been engaged in plumbing inspections for at least 4 years and is employed by a municipality for one of the journeyman plumbers currently on the board. The law takes effect on June 19, 2005. The law should be read in conjunction with Public Law 2003, chapter 446 which also affects the composition of the Plumbers' Examining Board.

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**PUBLIC 112
EMERGENCY**

**An Act To Update the Process for the Allocation of the State
Ceiling on Tax-exempt Bonds**

LD 1409

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT COLWELL	OTP-AM	S-41

Public Law 2003, chapter 112 updates provisions for the allocation of the state ceiling for tax-exempt bonds to allow the Governor to name a nonprofit corporation or state agency that is eligible to receive an allocation of a portion of the state ceiling and to vote on the overall allocation of the state ceiling for tax-exempt bonds to serve as a secondary market for student loans.

Public Law 2003, chapter 112 was enacted as an emergency measure effective May 6, 2003.

PUBLIC 126

An Act To Require Information on New Wells

LD 341

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROGERS YOUNGBLOOD	OTP-AM	H-164

Public Law 2003, chapter 126 requires the Maine Water Well Commission to develop rules to ensure that well contractors record and maintain information in a permanent manner, including, but not limited to, the name of the contractor, the date of the work, the depth of the well and the well yield rate. The law provides that the rules so adopted are routine technical rules.

**PUBLIC 159
EMERGENCY**

**An Act Concerning the Provision of Information and Services to
Businesses and Workers in Response to Certain Events**

LD 918

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK STANLEY	OTP-AM	H-183

Public Law 2003, chapter 159 designates the Department of Economic and Community Development as the lead agency for providing information and business assistance to employers and businesses in response to an event that triggers rapid-response activities. The law retains for the Department of Labor its role as the lead agency for providing assistance to workers affected by such an event and directs the Department of Labor, within 90 days from the effective date of the law, to develop a directory of organizations that can provide resources to laid-off workers.

Public Law 2003, chapter 159 was enacted as an emergency measure effective May 14, 2003.

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**PUBLIC 195
EMERGENCY**

**An Act To Amend the Regional Economic Development Revolving
Loan Program**

LD 1240

Sponsor(s)
KAELIN
STANLEY

Committee Report
OTP

Amendments Adopted
H-198 KAE LIN

Public Law 2003, chapter 195 amends the requirement of the Regional Economic Development Revolving Loan Program that borrowers obtaining loans of \$50,000 or less must receive a 2-to-one match of the funds borrowed from the program, reducing the required match to a one-to-one match.

Public Law 2003, chapter 195 was enacted as an emergency measure effective May 16, 2003.

PUBLIC 198

**An Act To Separate the Office of Tourism from the Office of
Community Development**

LD 1406

Sponsor(s)
COWGER

Committee Report
OTP

Amendments Adopted

Public Law 2003, chapter 198 separates the Office of Tourism and Community Development, previously a single office within the Department of Economic and Community Development, into 2 separate and distinct offices within the department.

PUBLIC 204

**An Act To Make Technical Changes to Statutes Regarding
Regulatory Boards and Registrations**

LD 1506

Sponsor(s)
SULLIVAN
SHOREY

Committee Report
OTP

Amendments Adopted

Public Law 2003 makes technical changes in 6 board statutes and one registration statute involving the Department of Professional and Financial Regulation as well as a change regarding the ability of a licensing board to deny an application for licensure when an applicant has failed to comply with a board order or consent agreement.

Part A of the law changes the submission deadline for the commissioner's report on charitable solicitation activity from February to December, to capture information on November filings.

Part B allows licensing boards to deny initial licensure to an applicant who is in noncompliance with a board order or consent agreement (the boards currently only can deny renewal).

Part C repeals the outdated provision requiring a specific number of electrical inspectors; permits the Electricians' Examining Board to adopt, through routine technical rulemaking, appropriate exceptions to national codes as

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provided by the codes; and repeals the provision requiring the board to keep records of licensees' names and addresses and money received and disbursed by the board.

Part D repeals unnecessary complaint provisions for physical therapists.

Part E changes the passing criteria for certified public accountant examinations to accommodate computer-based testing, and allows the board to contract with third parties to administer the exam.

Part F permits the Propane and Natural Gas Board to adopt, through rulemaking, appropriate exceptions to national codes as provided by the codes.

Part G changes the exemption from the definition of "boiler" for certain types of pressure vessels that are regulated by the Propane and Natural Gas Board.

Part H permits nurses who have passed the National Council of State Boards of Nursing, Inc.'s National Council's Learning Extension examination or who are licensed in a United States territory or a foreign jurisdiction and who have met all other requirements for licensure to practice nursing in this State for up to 90 days while awaiting the issuance of a social security number. In addition, Part H eliminates the requirement that an applicant for licensure as a registered professional nurse have a high school diploma or the equivalent since all applicants must have completed a course of study of not less than 2 years in an approved program in professional nursing and hold a degree, diploma or certificate from that program. Part H also makes additional technical changes to the laws governing nurses and nursing.

PUBLIC 211 An Act To Allow Licensure of Graduates of Social Work Programs
EMERGENCY That Are in Candidacy for Accreditation

LD 1146

<u>Sponsor(s)</u> LAVERRIERE-BOUCHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-182 S-109 BRENNAN
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Public Law 2003, chapter 211 allows, until July 1, 2005, master social worker licensure of a graduate of a social work or social welfare program of an institution in candidacy for accreditation from the Council on Social Work Education or a successor organization.

Public Law 2003, chapter 211 was enacted as an emergency measure effective May 19, 2003.

PUBLIC 250 An Act To Establish New License Fee Caps

LD 1441

<u>Sponsor(s)</u> BROMLEY SULLIVAN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 250 increases the license fee cap for physical therapy licenses from \$60 to \$100 and increases the cap for plumbers' licenses from \$150 to \$200. The law also gives the Director of the Office of

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Licensing and Registration within the Department of Professional and Financial Regulation the authority to set individual licensing fee amounts.

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PUBLIC 251 An Act To Amend the Licensing Requirements for Veterinarians LD 1505

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN SHOREY	OTP	

Public Law 2003, chapter 251 amends licensure requirements for veterinarians by granting authority for the Maine State Board of Veterinary Medicine to consider alternative pathways to licensure for foreign educated and trained applicants and to set criteria by rule. The law also allows the Director of the Office of Licensing and Registration, rather than the State Board of Veterinary Medicine, to set licensure fees concerning veterinary practice, and sets the cap for any such fee at \$150. In addition, the law makes technical adjustments to bring the Maine Veterinary Practice Act in line with other laws.

PUBLIC 252 An Act To Increase the Licensing Fee Caps of the State Board of Optometry LD 1411

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SULLIVAN	OTP-AM	S-98

Public Law 2003, chapter 252 increases the fee caps for the State Board of Optometry in order to enable the board to increase its fees in order to meet its expenses.

PUBLIC 274 An Act To Restrict Excessive Late Rental Fees for Self-service Storage Facilities LD 1231

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BROMLEY	OTP-AM MAJ ONTP MIN	H-292

Public Law 2003, chapter 274 prohibits operators of self-service storage facilities from imposing excessive late rental fees. The law requires that the amount and the conditions for imposing the late fee be included in a written agreement in 12-point type. The law establishes as a reasonable late fee \$20 for each late rental payment or 20% of the amount of each late rental payment, whichever is greater, and authorizes an operator to recover from the occupant reasonable expenses incurred in rent collection or lien enforcement.

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PUBLIC 281 An Act To Refine the Maine Rural Development Statutes

LD 1408

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP-AM	S-148

Public Law 2003, chapter 281 clarifies that employees of the Maine Rural Development Authority are eligible for the state employee health plan, changes the rulemaking designation for the community industrial building program from major substantive to routine technical and removes the language that requires that unused funds be deposited with the Treasurer of State. The law also expressly grants the Maine Rural Development Authority the power to make loans under the commercial facilities development program, expands the types of buildings the authority may invest in under that program to include any buildings suitable for adaptive reuse as commercial or industrial facilities and eliminates the requirement that a separate fund to be set up for the program. Additionally, the law designates the Commissioner of Economic and Community Development as the chair of the Maine Rural Development Authority's board of trustees.

PUBLIC 285 An Act To Raise the Fee Cap for Dentists

LD 1469

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN BROMLEY	OTP-AM	H-263

Public Law 2003, chapter 285 increases the fee cap for licensure of dentists from \$200 to \$400 and increases the fee cap for licensure of dentists with out-of-state licenses from \$300 to \$400. The law also increases the fee cap for reinstatement of dentist licenses from \$100 to \$200 for fees paid before February 1 and from \$200 to \$400 for fees paid after February 1.

PUBLIC 288 An Act Regarding Eligibility under the Municipal Investment Trust
EMERGENCY Fund

LD 1554

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM	S-149

Public Law 2003, chapter 288 makes service center communities eligible for grants or loans under the Municipal Investment Trust Fund. It also allows grants or loans to be used for downtown improvement projects and removes some prior program requirements for eligibility for a downtown improvement program.

Public Law 2003, chapter 288 was enacted as an emergency measure effective May 23, 2003.

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PUBLIC 292 **An Act To Exclude Inclined Stairway Chairlifts from the Definition of Elevator** **LD 1243**

<u>Sponsor(s)</u> ANNIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-360
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Public Law 2003, chapter 292 defines "inclined stairway chairlift" as a mechanized chair apparatus running on a track or rail along the side of a staircase, and removes inclined stairway chairlifts from regulation and oversight by the Board of Elevator and Tramway Safety by removing these chairlifts from the definition of "elevator."

PUBLIC 304 **An Act To Clarify the Status of Regulated Water Utility Plumbing Permits** **LD 1004**

<u>Sponsor(s)</u> DAVIS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-128
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Public Law 2003, chapter 304 exempts the installation of stand-alone water meters, water meters in combination with nontestable backflow prevention devices and related valves by water utility personnel or water utility contractors from municipal plumbing inspection and permitting requirements. It also requires that a statement be included in any notice provided to a customer regarding entry to install such water meters or related valves that installation of a backflow preventor may necessitate installation by the customer of additional devices, such as an expansion tank, due to thermal expansion.

PUBLIC 326 **An Act To Make Filling Out-of-State Prescriptions for Schedule II** **LD 1578**
EMERGENCY **Drugs More Convenient**

<u>Sponsor(s)</u> BRUNO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-359
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Public Law 2003, chapter 326 addresses the difficulty that a Maine resident may encounter if being treated by a practitioner from a state that does not use security prescription blanks. The law provides for an out-of-state prescription for a Schedule II drug, written on a prescription blank that does not comply with the requirements of Department of Public Safety rules, to be filled if the person presenting the prescription or receiving that filled prescription presents photographic identification. The law allows the prescription to be filled without presentation of identification if the person receiving it is the patient for whom the prescription is written, is personally known to the pharmacist and has previously presented photographic identification that has been noted by the pharmacist. The law also requires the pharmacist to make a record of oral confirmation of the validity of the prescription from the out-of-state practitioner or the practitioner's agent. Additionally, the law allows a 72-hour supply of the drug to be dispensed in case the oral confirmation is delayed due to nights, weekends or holidays.

Public Law 2003, chapter 326 was enacted as an emergency measure effective May 27, 2003.

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PUBLIC 337 An Act To Amend the Maine "Lemon Law"

LD 887

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE TREAT	OTP-AM	H-382

Public Law 2003, chapter 337 amends the State's "lemon law" by:

1. Expanding the term of protection under the lemon law from 2 to 3 years, the warranty period or 18,000 miles of operation, whichever occurs earliest;
2. Allowing consumers, after one repair attempt, to claim the presumption that a reasonable number of repair attempts have been undertaken when the claimed nonconformity has resulted in a serious failure of either the braking or steering systems in the vehicle;
3. Requiring that a motor vehicle surrendered to a manufacturer as a result of a settlement under the lemon law be affixed with a notice, when that vehicle is first offered for resale to the public, stating that the vehicle was the subject of a Maine Lemon Law settlement agreement;
4. Expanding the time limit for applying for lemon law state arbitration from 2 years to 3 years or to any time before expiration of the manufacturer's express warranties, whichever occurs earlier;
5. Eliminating the requirement that 2 attempts to repair the defect or defects must be made by the same dealer; and
6. Limiting the amount that may be deducted from the refund required under the lemon law for mileage to the mileage that is reported on the application accepted by the State for lemon law arbitration and any mileage directly attributable to use by a consumer beyond 20,000 miles.

**PUBLIC 347 An Act To Amend the Laws Concerning State Board of Alcohol and
Drug Counselors**

LD 1559

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN MARTIN	OTP	

Public Law 2003, chapter 347 reorganizes the alcohol and drug counselor registration currently issued by the State Board of Alcohol and Drug Counselors by recognizing practitioners who provide public services at varying levels within agencies licensed by the Office of Substance Abuse in the Department of Behavioral and Developmental Services. This law provides an alternative pathway to certification and licensure for persons without degree-level education by recognizing work experience in the field of alcohol and drug counseling as one of the criteria for certification and licensing. The law also requires an alcohol and drug counseling aide and a certified alcohol and drug counselor to be supervised by a board-certified clinical supervisor. The law eliminates outdated practices and language as it pertains to examinations and reciprocity. Finally, the law clarifies requirements for continuing education and inactive licenses issued by the board and makes minor technical changes throughout the alcohol and drug practice laws.

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PUBLIC 356

An Act To Amend the Motor Vehicle Franchise Law

LD 1294

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	OTP-AM	S-184

Public Law 2003, chapter 356 amends the laws concerning regulation of business practices between motor vehicle manufacturers, distributors and dealers. Specifically, this law prohibits automobile franchisors from recovering costs for reimbursing a franchisee for parts and labor and creates a 7-member Maine Motor Vehicle Franchise Board to resolve complaints between motor vehicle dealers and manufacturers. The Maine Motor Vehicle Franchise Board is not the exclusive venue for initially bringing a complaint, but if any party asserting claims or defenses under the Maine Revised Statutes, Title 10, chapter 204 or that could be brought under chapter 204 brings a complaint before the board, then all other civil actions or administrative actions must be tolled pending the outcome of proceedings before the board. This law also repeals the mediation requirements under the Maine Revised Statutes, Title 10, section 1173-A.

This law also clarifies that the right to succeed to ownership of a franchise by family members and other lawful successors applies to the retirement of the franchise owner as well as death or disability, clarifies that a franchise agreement may not include any requirement that a franchisee establish or maintain exclusive facilities, personnel or display space for different lines of motor vehicles or related products, changes the length of time allowed for filing various notices and claims, and grants the Maine Motor Vehicle Franchise Board, rather than the Secretary of State, the authority to levy civil penalties for violations of the laws governing business practices between motor vehicle manufacturers, distributors and dealers. The law also creates a full-time attorney position in the Department of the Secretary of State, Bureau of Motor Vehicles, who will serve as the chair of the Maine Motor Vehicle Franchise Board. Compensation for that position and all costs for the operation of the board are paid entirely from the Maine Motor Vehicle Franchise Fund, which is funded by fees imposed in the law that are paid by automobile franchisees and franchisors.

PUBLIC 364

An Act To Amend the Forester Law

LD 1455

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP	S-156 BRYANT

Public Law 2003, chapter 364 amends the forester licensing law to allow the Board of Licensure of Foresters to renew forester licenses without examination or internship for applicants who renew within 2 years of their license expiration date. Similarly, the law allows the board to renew intern forester licenses without imposing all requirements for new licensure for applicants who renew within 2 years of license expiration. The law also allows intern forester applicants to use relatives as references and sponsors, and changes the board's variance and supervisor registration rules from major substantive to routine technical. Additionally, the law clarifies that applicants who have applied on or before April 30, 2002 for a forester license may be qualified by experience or education to be licensed.

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PUBLIC 385

An Act To Conform the Voting Members of Certain State Entities

LD 1402

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	OTP MAJ ONTP MIN	H-358 RINES

Public Law 2003, chapter 385 amends the status of the Treasurer of State from being a nonvoting member to a voting member of the group of representatives who vote with respect to agreements or recommendations for allocation or reallocation of the state ceiling and a voting member of the Maine Educational Loan Authority.

PUBLIC 420

An Act to Amend the Membership of the Propane and Natural Gas Board

LD 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT HATCH PR	ONTP MAJ OTP-AM MIN	H-503 SULLIVAN

Public Law 2003, chapter 420 adds to the Propane and Natural Gas Board a board member who is a member of a labor organization in the building and construction industry, and allocates funds for administrative costs associated with having an additional member.

PUBLIC 429

An Act To Change Certain Educational Requirements and Make Title Changes for Licensed Social Workers

LD 1589

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN L BRENNAN	OTP-AM	H-454 S-232 BROMLEY

Public Law 2003, chapter 429 allows for the continued issuance of conditional social work licenses after September 30, 2003 to applicants who have bachelor's degrees in fields other than social work. The law also limits conditional social work licensure in several additional ways:

1. Only applicants with bachelor's degrees in "related fields," a term to be defined by the State Board of Social Worker Licensure, are eligible for conditional licensure;
2. Beginning January 1, 2004, all conditional licensees must complete consultation requirements. The law specifies consultation requirements for employees of the Department of Human Services and other licensees;
3. Beginning on January 1, 2004, all conditional licensees must complete contact hours, as defined by the board, in an amount set by the board, within the first 2 years of licensure, of which 6 hours must be on the subject of social work ethics and 6 hours must be on the subject of psychosocial assessment; and

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4. All licensees must provide documentation of consultation completed in a period not less than 2 years nor more than 4 years. The law specifies consultation requirements for employees of the Department of Human Services and other licensees.

PUBLIC 446 An Act To Amend the Membership of the Plumbers' Examining Board LD 710

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM MAJ	S-157
PATRICK	ONTP MIN	S-222 BRYANT

Public Law 2003, chapter 446 changes the membership of the Plumbers' Examining Board by requiring that one of the 2 members of the board who are master plumbers must also be a member of a bona fide labor organization. The law takes effect on September 21, 2004. The law should be read in conjunction with Public Law 2003, chapter 107 which also affects the composition of the Plumbers' Examining Board.

PUBLIC 455 An Act To Provide Affordable Loans for Higher Education LD 1625

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT COLWELL	OTP-AM	S-257

Public Law 2003, chapter 455 creates the Higher Education Loan Purchase Program to be administered by the Finance Authority of Maine as a secondary market for higher education loans, as provided in Public Law 2003, chapter 112, allowing the Governor to designate a state agency as a secondary market, and Executive Order 16 FY 02/03, dated May 14, 2003, designating the Finance Authority of Maine as the state secondary market for educational loans. The law adds the administration of a secondary market for student loans to the general powers of the authority, and authorizes the authority to issue tax exempt bonds to finance certain loans. The law also authorizes the authority to originate loans, but limits this power to the origination of consolidation loans only, unless the authority finds that that limitation is a significant impediment to providing students with the benefits of the loan program.

PUBLIC 462 An Act To Ensure Equity in Mortgage Volume Fees LD 969 **EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM	H-554 RICHARDSON J S-186

Public Law 2003, chapter 462 clarifies the State's policy on payment of volume fees upon refinancing a sale, lease or loan. The law also creates the 14-member Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation. The committee is funded from Other Special Revenue funds within the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The committee is required to

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submit its report to the Second Regular Session of the 121st Legislature no later than December 3, 2003 and is authorized to submit a bill to the Legislature at the time of submission of its report.

Public Law 2003, chapter 462 was enacted as an emergency measure effective June 16, 2003.

PUBLIC 464	An Act To Make Minor Technical Changes to the Maine	LD 1345
EMERGENCY	Biomedical Research Program and To Amend the Calculation of	
	Funds To Be Transferred to the Maine Research and Development	
	Evaluation Fund	

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY	OTP-AM	H-579 SULLIVAN
RICHARDSON J		S-158

Public Law 2003, chapter 464 transfers the rule-making authority concerning the Maine Biomedical Research Program from the Department of Economic and Community Development to the Maine Biomedical Research Board and designates rules adopted pursuant to that authority as routine technical rather than major substantive. The law also adds general obligation bonds issued for research and development to the calculation of funds to be transferred to the Maine Research and Development Evaluation Fund that is administered by the Department of Economic and Community Development for the purposes of funding the comprehensive evaluation of state investments in research and development. In addition, the law requires that private entities receiving general obligation bond proceeds for research and development pay to the Treasurer of State an amount not to exceed 0.8% of the general obligation bond proceeds, which must be paid from available resources in the fiscal year in which the general obligation bond was issued.

Public Law 2003, chapter 464 was enacted as an emergency measure effective June 17, 2003.

PUBLIC 483	An Act To Facilitate Communication between Prescribers and	LD 945
	Dispensers of Prescription Medication	

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-457
SHOREY		

Public Law 2003, chapter 483 requires the Office of Substance Abuse within the Department of Behavioral and Developmental Services to establish by January 2, 2004 and to maintain an electronic prescription monitoring program. The program will allow prescribers and dispensers to identify immediately persons engaging in fraud and deception in obtaining schedule II, III and IV prescription drugs and to assist prescribers and dispensers in the safe and appropriate treatment and medication of patients. In addition, the law does the following:

1. It provides for criminal penalties for misuse of the information gathered through the program;
2. It specifies that the intent of the legislation is to detect and prevent substance abuse, not interfere with the legitimate medical use of controlled substances;

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3. It allows the Office of Substance Abuse to receive funds from any public or private source for the program, makes implementation of the program contingent on the receipt of sufficient federal or private funding and specifies that no general fund appropriation may be made to fund the program;
4. It provides a list of items of information from which the office may choose requirements for submission;
5. It provides a dispenser with immunity from liability for disclosure of information if the disclosure was made pursuant to and in accordance with the requirements of the legislation;
6. It directs the office to establish thresholds that, when exceeded, will trigger notification; and
7. It directs the office to purge information after 6 years.

PUBLIC 499 An Act To Improve the State's Returnable Bottle Law and Adjust Handling Fees

LD 985

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ	S-217
	OTP-AM MIN	S-307 CATHCART

Public Law 2003, chapter 499 does the following:

1. It requires initiators of deposits for beverage containers to accept beverage containers processed through reverse vending machines;
2. It raises the handling fee to 3 1/2¢ for an initiator of deposit who, after March 1, 2004, fails to enter into a qualified commingling agreement;
3. It authorizes the commingling of beverage containers of like product group and allows deposit initiators who establish a qualified commingling agreement to add products to their agreement if they are from a different product group but of the same material;
4. It requires an initiator of deposit, other than certain small brewers and bottlers, to establish and maintain a deposit transaction fund and to report and pay to the Department of Administrative and Financial Services, Maine Revenue Services the amount in the fund attributable to unclaimed deposits on a monthly basis for those containers that are not subject to a commingling agreement; and
5. It directs that abandoned deposit amounts collected by Maine Revenue Services be deposited into the General Fund.

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**P & S 17
EMERGENCY**

**An Act To Provide for the 2003 and 2004 Allocations of the State
Ceiling on Private Activity Bonds**

LD 1326

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM	S-73
SULLIVAN		

Private and Special Law 2003, chapter 17 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2003 and 2004. Under federal law, a maximum of \$228,580,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2003 and a maximum of \$228,580,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds as follows: to the Treasurer of State, \$20,000,000 in 2003 and \$0 in 2004; to the Finance Authority of Maine, \$60,000,000 in 2003 and \$30,000,000 in 2004; to the Maine Municipal Bond Bank, \$10,000,000 in 2003 and \$10,000,000 in 2004; to the Maine Educational Loan Authority, \$0 in 2003 and \$0 in 2004; and to the Maine State Housing Authority, \$40,000,000 in 2003 and \$40,000,000 in 2004. The law leaves \$98,580,000 of the state ceiling unallocated in 2003 and \$148,580,000 unallocated in 2004.

Private and Special Law 2003, chapter 17 was enacted as an emergency measure effective May 15, 2003.

P & S 27

**An Act To Suspend Rules of the Board of Dental Examiners
Regarding Permission for Public Health Supervision Status**

LD 1390

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
YOUNGBLOOD	ONTP MAJ	S-130
SULLIVAN	OTP-AM MIN	

Private and Special Law 2003, chapter 27 suspends until May 1, 2004 that portion of the rules of the Board of Dental Examiners that requires a dental hygienist to seek permission from the board to perform work under public health supervision status. The law requires a dental hygienist, prior to performing this work, to give notice to the board that identifies the site where the work is to be performed, the nature of the work and the name of the supervising dentist with whom the hygienist has entered into the required public health supervision agreement.

RESOLVE 8

**Resolve, To Allow Certain State Employees To Be Voting Board
Members of Project SHARE**

LD 826

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-114
EDMONDS		

Resolve 2003, chapter 8 allows an employee of the Department of Environmental Protection, Department of Conservation or the Maine Atlantic Salmon Commission to serve on the steering committee of Project SHARE.

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RESOLVE 15 **Resolve, Directing the Department of Labor To Publish Annually Economic and Workforce Information Concerning the Canadian Maritime Provinces** **LD 748**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	H-184

Resolve 2003, chapter 15 directs the Department of Labor to provide information comparing the economy and workforce of the Canadian Maritime Provinces to the economy and workforce of the State. The resolve directs the department to publish the information annually.

RESOLVE 47 **Resolve, Regarding Legislative Review of Chapter 1: Community** **LD 1560**
EMERGENCY **Industrial Building Program, a Major Substantive Rule of the**
 Maine Rural Development Authority

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2003, chapter 47 authorizes final adoption of Chapter 1: Community Industrial Building Program, a major substantive rule of the Maine Rural Development Authority, which concerns the application process for loans for construction of speculative buildings through the program. The rule is based on the prior rule governing the community industrial building program, originally promulgated by the State Development Office.

Resolve 2003, chapter 47 was enacted as an emergency measure effective May 23, 2003.

RESOLVE 73 **Resolve, Directing the Community Preservation Advisory** **LD 472**
 Committee To Study Issues Pertaining to Barriers to Affordable
 Housing in the State

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	H-145 H-273 S-265 GAGNON

Resolve 2003, chapter 73 directs the Community Preservation Advisory Committee to study barriers to affordable housing in the State. The recommendations of the advisory committee, including suggested legislation, are to be incorporated into the advisory committee's annual report required under Title 30-A, section 4350, subsection 9. A copy of that report must be provided to the Joint Standing Committee on Business, Research and Economic Development no later than December 1, 2003.

In conducting its study, the Community Preservation Advisory Committee must study state rules or local regulations that inhibit the construction of new affordable housing units or the renovation of existing buildings for the purpose of creating affordable housing units; zoning or zoning practices that create barriers to affordable housing; laws pertaining to municipal impact fees; municipal moratoria on development permits; municipal rate of

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growth ordinances; barriers to the creation of affordable rental housing, including the unavailability of deposit assistance; barriers to the construction or availability of affordable housing for veterans, seniors, retirees, persons with disabilities and homeless persons; and other barriers to the construction or availability of affordable housing identified by the advisory committee or stakeholders. The resolve also requires that the advisory committee consult with a broad range of stakeholders including public and private organizations, elected officials and others involved with affordable housing issues in conducting its study.

The resolve also authorizes the Joint Standing Committee on Business, Research and Economic Development to report out legislation during the Second Regular Session of the 121st Legislature on issues pertaining to barriers to affordable housing.

RESOLVE 80 Resolve, To Establish a Task Force Concerning Speech-language Pathologists LD 989

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO MAKAS	OTP-AM	H-552 RICHARDSON J H-591 DUPLESSIE S-185

Resolve 2003, chapter 80 creates a task force that is directed to study ways to increase the number of speech-language pathologists who provide services in Maine schools and the opportunities for postsecondary training and professional development programs in the State. The task force is directed to submit a report, including findings, recommendations and recommended legislation, by December 3, 2003 to the Second Regular Session of the 121st Legislature, the Commissioner of Education and the State Board of Education. In addition, the resolve directs that the agencies and entities represented on the task force will absorb expenses incurred by the task force.

RESOLVE 87 Resolve, To Study the Effects of NAFTA and Other Cross-border Issues on Maine Businesses LD 607

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO CRAVEN	OTP-AM	S-22 S-296 CATHCART

Resolve 2003, chapter 87 directs the Department of Economic and Community Development and the Executive Department, State Planning Office to study the positive and negative effects of the North American Free Trade Agreement, with particular emphasis on several important business sectors, including an assessment of the impacts of NAFTA on small businesses throughout the State and an assessment of imports and other cross-border commerce issues and effects on the natural resource-based industries of the State. This law also permits the Department of Economic and Community Development to submit legislation for consideration in the Second Regular Session of the 121st Legislature to help expand business opportunities under and minimize adverse effects of NAFTA.